

Senate File 2297 - Introduced

SENATE FILE _____
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2005)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing a method for the acquisition of title to
2 abandoned vacant lots by cities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5052SV 82
5 md/sc/8

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1 1 Section 1. Section 657A.1, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. "Abandoned" or "abandonment" means one or more of the
1 4 following:
1 5 a. ~~that~~ That a building has remained vacant and has been
1 6 in violation of the housing code of the city in which the
1 7 property is located or the housing code applicable in the
1 8 county in which the property is located if outside the limits
1 9 of a city for a period of six consecutive months.
1 10 b. That a building has been declared by a court to be
1 11 abandoned or in an unsafe condition pursuant to section 657A.2
1 12 or that a building has been declared by a court to be
1 13 abandoned pursuant to section 657A.10A.
1 14 c. That a vacant lot has been declared by a court to be
1 15 abandoned pursuant to section 657A.10B.
1 16 Sec. 2. Section 657A.1, Code 2007, is amended by adding
1 17 the following new subsection:
1 18 NEW SUBSECTION. 8. "Vacant lot" means a lot or parcel of
1 19 property that is located within the limits of a city, that
1 20 contains no buildings or structures, and that is zoned to
1 21 allow for residential or commercial structures. "Vacant lot"
1 22 does not include property zoned for residential or commercial
1 23 use currently in use as farmland.
1 24 Sec. 3. NEW SECTION. 657A.10B PETITION BY CITY FOR TITLE
1 25 TO ABANDONED VACANT LOT.
1 26 1. A city in which an abandoned vacant lot is located may
1 27 petition the court to enter judgment awarding title to the
1 28 vacant lot to the city. The owner of the vacant lot,
1 29 mortgagees of record, lienholders of record, or other known
1 30 persons who hold an interest in the vacant lot shall be named
1 31 as respondents on the petition.
1 32 The petition shall be filed in the district court of the
1 33 county in which the vacant lot is located. Service on the
1 34 owner and any other named respondents shall be by certified
1 35 mail. The city shall also cause a notice to be published in a
2 1 newspaper of general circulation in the city where the vacant
2 2 lot is located once each week for three consecutive weeks
2 3 following the filing of the petition. The action shall be in
2 4 equity.
2 5 2. Not sooner than sixty days after the filing of the
2 6 petition, the city may request a hearing on the petition.
2 7 3. In determining whether the vacant lot has been
2 8 abandoned, the court shall consider the following:
2 9 a. Whether any property taxes or special assessments on
2 10 the property were delinquent at the time the petition was
2 11 filed.
2 12 b. Whether any utilities are currently being provided to
2 13 the property.
2 14 c. Whether local authorities have received complaints from
2 15 neighboring landowners regarding the appearance or condition
2 16 of the property.
2 17 d. Whether the condition of the property violates a city

2 18 ordinance and how long the vacant property has been in
2 19 violation of the ordinance.
2 20 e. Whether conditions exist on the property which create
2 21 an unreasonable risk to public health or safety.
2 22 f. The presence of vermin, accumulation of debris and
2 23 garbage, and uncut vegetation.
2 24 g. The effort expended by the petitioning city to maintain
2 25 the vacant lot.
2 26 h. Past and current compliance with orders of local
2 27 government authorities pertaining to the vacant lot.

2 28 i. Any other evidence the court deems relevant.
2 29 4. In lieu of the considerations in subsection 3, if the
2 30 city can establish to the court's satisfaction that all
2 31 parties with an interest in the vacant lot have received
2 32 proper notice and either consented to the entry of an order
2 33 awarding title to the vacant lot to the city or have had an
2 34 opportunity to alleviate those conditions alleged by the city
2 35 and have failed to do so, the court shall enter judgment
3 1 against the respondents granting the city title to the vacant
3 2 lot.

3 3 5. If the court determines that the vacant lot has been
3 4 abandoned or that subsection 4 applies, the court shall enter
3 5 judgment awarding title to the city. The title awarded to the
3 6 city shall be free and clear of any claims, liens, or
3 7 encumbrances held by the respondents.

3 8 EXPLANATION

3 9 Currently, Code section 657A.10A allows a court to transfer
3 10 title to a parcel of property containing an abandoned building
3 11 to a petitioning city if the court finds the property to be
3 12 abandoned under the factors listed in Code section
3 13 657A.10A(3). This bill enacts new Code section 657A.10B
3 14 allowing cities to petition the court to acquire title to
3 15 certain abandoned vacant lots. The bill defines vacant lot as
3 16 property that contains no buildings or structures and that is
3 17 zoned to allow for residential or commercial structures.

3 18 The bill provides that a petition for title to an abandoned
3 19 vacant lot is an action in equity and must be filed in the
3 20 district court in which the property is located. The owner of
3 21 the vacant lot and persons who hold an interest in the vacant
3 22 lot will be given notice of the petition and be named as
3 23 respondents. Not sooner than 60 days after the filing of the
3 24 petition, the city may request a hearing on the petition. New
3 25 Code section 657A.10B(3) lists factors that the court is to
3 26 consider when determining whether the vacant lot has been
3 27 abandoned.

3 28 The bill provides that if all parties with an interest in
3 29 the vacant lot have received proper notice and either
3 30 consented to the entry of an order awarding title to the
3 31 vacant lot to the city or did not alleviate the conditions
3 32 alleged by the petitioning city within 60 days after the
3 33 filing of the petition, the court shall grant the city title
3 34 to the vacant lot.

3 35 The bill further provides that if the court determines that
4 1 the vacant lot has been abandoned, under Code section
4 2 657A.10B(3), the court shall enter judgment awarding title to
4 3 the city, and the title awarded to the city is free and clear
4 4 of any claims, liens, or encumbrances held by the respondents.

4 5 LSB 5052SV 82

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